



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0016

DAVID A. COLE  
COMMISSIONER

April 12, 2004  
Subject: Mattamiscontis  
Project No. BR-1008(556)X  
PIN 10085.56  
**Bid Amendment No. 1**

Dear Sir/Ms.:

Please make the following changes to your Bid Package:

Add the attached "Special Provision Section 105 General Scope of Work (Environmental Requirements)" dated 9/22/03, one page.

Delete "Special Provision Section 502 Structural Concrete (QC/QA Acceptance Methods)" dated February 21, 2004, one page and replace with the attached "Special Provision Section 502 Structural Concrete (QC/QA Acceptance Methods)" dated April 2, 2004, one page.

Add the attached "Special Provision Section 656 Temporary Soil Erosion and Water Pollution Control" dated February 24, 2004, three pages total.

Add the attached Certificate entitled "This Certificate Must Be Posted in a Visible Location at the Development Site", one page total.

Add the attached Permit entitled "Bridge Construction Permit BCP 6002", three pages total.

Add the attached seven pages entitled "Standard Conditions of Approval to Be Attached to All Bridge and Road Construction Permits".

Add the attached Permit entitled "Department of the Army Programmatic General Permit State of Maine" with an Effective date of Sept. 29, 2000, twenty pages total.

Add the attached two pages entitled "Work Start Notification Form" dated (bottom left) 9/29/00.

Add the attached one page entitled "Permits & Cultural Resources Unit".



PRINTED ON RECYCLED PAPER

The Department has received the following Request for Information:

**Question: Will Stay-In-Place concrete slabs be acceptable to use as per MeDOT standard details?**

**Response: *Yes. Stay in place precast deck forms will be allowed.***

Consider these changes and information prior to submitting your bid on April 14, 2004.

Sincerely,



FOR S.B.

Scott Bickford

Contracts & Specifications Engineer

Town: Mattamiscontis  
PIN #: 10085.56  
Date: 9/22/03

SPECIAL PROVISION  
SECTION 105  
General Scope of Work  
(Environmental Requirements)

Instream Work shall not be allowed between the dates of September 16 and July 14th.  
(Instream work is allowed from July 15th to September 15th.)

Stream Name(s) with Station #s: Mattamiscontis Stream; Station # 10+180

Special Conditions: Pilings may be removed from the streambed in July and August, only. Instream work shall be conducted during low flows.

Instream work consists of any activity conducted below the normal high water mark.

All activities are prohibited (including placement and removal of cofferdams) below the normal high water mark and non low flow conditions during the instream work window restriction, except for the following:

- Work within a sealed and dewatered cofferdam. Maintenance pumping within a sealed cofferdam is also allowed.

No construction activity, whether temporary or permanent, is allowed that completely blocks a river, stream, or brook without providing downstream flow.

The contractor shall abide by all permits and conditions.

SPECIAL PROVISION  
SECTION 502  
STRUCTURAL CONCRETE  
(QC/QA Acceptance Methods)

CLASS OF CONCRETE	ITEM NUMBER	DESCRIPTION	P	METHOD
A	502.219	Structural Concrete - Abuts and Ret Walls (40 m3)	\$500	A
<b>LP</b>	502.26	Structural Concrete – RDWY & SW on Steel Bridges (60 m3)	\$500	A
A	502.31	Structural Concrete Approach Slab (13 m3)	NA	B
<b>LP</b>	502.44	Structural Concrete, Wearing Surface on Bridge (6 m3)	NA	B
LP	502.49	Structural Concrete, Curbs and Sidewalk (8 m3)	NA	B

P values listed above reflect the price per cubic meter (yd<sup>3</sup>) for all pay adjustment purposes.

**SPECIAL PROVISION**  
**SECTION 656**

Temporary Soil Erosion and Water Pollution Control

The following is added to Section 656 regarding Project Specific Information and Requirements. All references to the Maine Department of Transportation Best Management Practices for Erosion and Sediment Control (a.k.a. Best Management Practices manual or BMP Manual) are a reference to the latest revision of said manual. The "Table of Contents" of the latest version is dated "1/19/00" (available at <http://www.state.me.us/mdot/mainhtml/bmp/bmpjan2000.pdf>.) **Procedures specified shall be according to the BMP Manual unless stated otherwise.**

Any and all references to "bark mulch" or "composted bark mix" shall be a reference to "Erosion Control Mix" in accordance with *Standard Specification, Section 619 - Mulch*.

**Project Specific Information and Requirements**

The following information and requirements apply specifically to this Project. The temporary soil erosion and water pollution control measures associated with this work shall be addressed in the SEWPCP.

- 1) This project is in the Mattamiscontis River watershed, which is listed as a Class A river and is considered **SENSITIVE** in accordance with the BMP Manual. The Contractor's SEWPCP shall comply with Section II.B., Guidelines for Sensitive Waterbodies in the BMP Manual.
- 2) Newly disturbed earth shall be mulched by the end of each workday. Mulch shall be maintained on a daily basis.
- 3) The SEWPCP shall describe the location and method of temporary erosion and sediment control for existing and proposed catch basins, outlet areas and culvert inlets and outlets.
- 4) Dust control items other than those under Standard Specification 637 and Special Provision 637, if applicable, shall be included in the plan.
- 5) Permanent slope stabilization measures shall be applied within one week of the last soil disturbance.
- 6) Permanent seeding shall be done in accordance with *Special Provision, Section 618, Seeding* unless the Contract states otherwise.

**SPECIAL PROVISION**  
**SECTION 656**

Temporary Soil Erosion and Water Pollution Control

- 7) Culvert inlet and outlet protection shall be installed within 48 hours of culvert installation, or prior to a storm event, whichever is sooner.
- 8) After November 1 the Contractor shall use winter stabilization methods, such as Wood Waste Erosion Control Mix as specified in Special Provision § 617. If required, spring procedures for permanent stabilization shall also be described in the plan. Use of this product for over-winter temporary erosion control will be incidental to the contract and be paid for as part of Pay Item 656.75.
- 9) All disturbed ditches shall be stabilized by the end of each workday. Stabilization shall be maintained on a daily basis.
- 10) Erosion control blanket shall be installed in the bottoms of all ditches except where a stone lining is planned. Seed shall be applied prior to the placement of the blanket.
- 11) If check dams are used, they shall be constructed of stone in accordance with BMP Manual, Section 9.
- 12) Demolition debris (including debris from wearing surface removal, saw cut slurry, dust, etc.) shall be contained and shall not be allowed to discharge to any resource. All demolition debris shall be disposed of in accordance with *Standard Specifications, Section 202.03, Removing Existing Superstructure, Structural Concrete, Railings, Curbs, Sidewalks and Bridges*. Containment and disposal of demolition debris shall be addressed in the Contractor's SEWPCP.
- 13) Stream flow shall be maintained at all times.
- 14) Grout from the post-tensioning socket sealing operation and fresh concrete shall not be allowed to contact the stream. Clean out of concrete delivery trucks and the washing of tools shall be addressed in the SEWPCP.
- 15) The SEWPCP shall describe the containment method for removal of the existing abutments, including installation of cofferdams and dewatering procedures.

**SPECIAL PROVISION**

**SECTION 656**

Temporary Soil Erosion and Water Pollution Control

16) A cofferdam sedimentation basin is required if cofferdams are used. The basin shall be located in an upland area where the water can settle and seep into the ground or be released slowly to the resource in a manner that will not cause erosion. The location of such a cofferdam sedimentation basin shall be addressed in the SEWPCP.

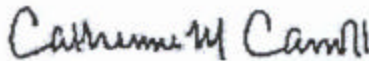
STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
MAINE LAND USE REGULATION COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, ME 04333-0022  
TEL. (207) 287-2631 FAX (207) 287-7439 TTY (207) 287-2213

**THIS CERTIFICATE MUST BE POSTED IN A VISIBLE LOCATION AT THE DEVELOPMENT SITE**

A Land Use Regulation Commission permit has been issued for certain development or construction activities at this location. A description of the approved development, including conditions of approval, are as specified in the Land Use Regulation Permit identified below. Copies of the actual permit have been provided to the permittee and are available for inspection at the Commission's office.

PERMIT NUMBER:	BCP-6002
ISSUED TO:	Maine Department of Transportation
LOCATION:	Primary Location: Mattamiscontis Twp., Penobscot County
AUTHORIZED ACTIVITY:	Replace Bridge
EFFECTIVE DATE:	3/11/2004

Signed:



Catherine M. Carroll, Director  
Maine Land Use Regulation Commission

**THIS CERTIFICATE IS NOT A PERMIT**





JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
MAINE LAND USE REGULATION COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

PATRICK K. MCGOWAN  
COMMISSIONER

## PERMIT

### BRIDGE CONSTRUCTION PERMIT BCP 6002

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Maine Department of Transportation for Bridge Construction Permit BCP 6002, finds the following facts:

1. Applicant: Maine Department of Transportation  
c/o David Gardner  
16 State House Station  
Augusta, ME 04333-0016
2. Date of Completed Application: November 4, 2003
3. Location: Mattamiscontis Twp., Penobscot County
4. Zoning: (P-SL) Shoreland Protection Subdistrict  
(P-WL) Wetland Protection Subdistrict
5. Affected Waterbody: Mattamiscontis Stream
6. The existing bridge is located on Route 116 and crosses Mattamiscontis Stream, in Mattamiscontis Twp., Penobscot County. The bridge was constructed in 1935, is 21 feet wide, and is supported by timber piles.
7. The applicant proposes to remove the existing bridge and timber piles, and to replace it with a steel multi-plate girder bridge with integral abutments. The proposed bridge will be 26.9 feet wide, and 98.4 feet in length. The proposed bridge would be located in the same location as the existing bridge.
8. The proposed bridge would be completely inundated during a 25-year flood event, the existing bridge only passes 1, 2, and 5-year flood events with freeboard. Many miles of roadwork and an unreasonably large bridge would be required to correct this situation. The removal of the timber piles from the streambed will reduce the accumulation of debris at the bridge.
9. Due to recommendations from State Fisheries agencies, National Marine Fisheries, and Penobscot Indian Nation the instream work will be limited within the work window of July 15<sup>th</sup> - September 15<sup>th</sup>.

CATHERINE M. CARROLL, DIRECTOR

www.maine.gov/doc/lurc  
PHONE: (207) 746-2244  
FAX: (207) 746-2243  
TTY: (207) 287-2213



10. There will be no on-site detour bridge due to light traffic, traffic will be detoured around the site via existing roads.
11. The applicant also proposes to install a temporary 10 foot by 30 foot field office to be setback at least 100 feet from the normal high water mark of Mattamiscontis Stream, 20 feet from Route 116, and 50 feet from the nearest property boundary line.
12. Senior Geologist, Daniel B. Locke of the Maine Geological Survey expressed no objections to the project, but has noted that there is a mapped sand and gravel aquifer immediately adjacent to the project area, and efforts should be made to minimize the possibility of petroleum spills during refueling and operation of equipment used in this project.
13. Maine State Soil Scientist David Rocque has expressed no objections to the proposal, but recommends that a coffer dam be used if excavation is required within the stream (below the actual water level at the time of construction).
14. The Penobscot County Commissioner's, Maine Department of Inland Fish and Wildlife Service, and U.S. Army Corps of Engineers have expressed no objections to the proposal.
15. The facts are otherwise as represented in Bridge Construction Permit Application BCP 6002 and supporting documents.

Based upon the above Findings, the staff concludes that if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

**Therefore, the staff approves the application of Maine Department of Transportation with the following conditions:**

1. The Standard Conditions (ver. 10/84), a copy of which is attached.
2. All areas of exposed mineral soil on slopes steeper than 2 horizontal to 1 vertical shall be stabilized with rock riprap. With the exception of the road travel surface, all areas of exposed mineral soil within 75 feet of the river and on slopes flatter than 2 horizontal to 1 vertical shall be seeded and mulched. All soil stabilization measures shall be completed during or immediately following construction to minimize the potential of soil erosion and stream siltation.
3. During construction, the permittee shall take reasonable precautions to avoid siltation of the stream including, but not limited to, the use of mulch to temporarily stabilize exposed soil, cessation of construction activities during inclement weather, and any other measures which may prove necessary.
4. If water control measures beyond those specified herein prove to be necessary in order to reasonably avoid accelerated erosion or sedimentation of surface waters, such additional measures must be employed.




5. All operations must be stopped where the continuation of such operations will cause or contribute to the occurrence of accelerated erosion or the sedimentation of surface waters, whether such occurrence is precipitated by wet weather, the failure of water control measures, or other factors. Adequate steps must immediately be taken to stop any accelerated erosion or sedimentation of surface waters and to correct the situation which led to such occurrence.
6. Issues relating to handling petroleum products at the site must be addressed in contract documents, with references to the presence of a sand and gravel aquifer immediately adjacent to the project site.
7. All work to be carried out below the high water mark shall be conducted during periods of low water flows between July 15<sup>th</sup> - September 15<sup>th</sup>.
8. All work involving fresh concrete shall be conducted such that the fresh concrete does not come in contact with river water. No tools used to prepare or work the fresh concrete are to be washed in the river or where runoff water from such washing operations can drain directly into the stream.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT EAST MILLINOCKET, MAINE, THIS 11<sup>th</sup> DAY OF MARCH, 2004.

By: \_\_\_\_\_

  
Catherine M. Carroll, Director





STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

**ADMINISTRATIVE POLICY:**

**STANDARD CONDITIONS OF APPROVAL TO BE ATTACHED TO ALL BRIDGE AND ROAD CONSTRUCTION PERMITS:**

1. Your permit is limited to the proposal as set forth in the application and as modified by these and any other specified conditions of approval. All changes are subject to the review and approval of the Commission. Any change for the application or the conditions of approval without the review and approval of the Commission constitutes a violation of the Land Use Regulation Commission law.
2. You must obtain and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies, with particular regard to the water pollution regulations of the Maine Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Maine Department of Human Services.
3. The scenic character of the area of the project covered by this permit must be maintained. The area must be kept free of litter, trash, junk cars, and any other obvious eyesores or unsanitary deposits.
4. Once construction is complete, you must notify the Commission that the requirements and conditions of approval have been met. You must submit all information requested by the Commission demonstrating compliance with the terms and application and all the conditions of approval. Following notification of completion, the Commission's Staff may arrange and conduct a Compliance Inspection.
5. All roads and water crossings must be located, constructed and maintained in conformance with Section 10.17,A,4 of the Commission's Land Use Districts and Standards, except as provided by conditions of your permit approval.
6. Whenever practicable, crossing of water courses should be constructed during periods of low water, normally July and August. It is especially important the construction of crossings of water courses be avoided between October 1 and November 30 on trout and salmon waters or their tributaries.

Revised 10/84





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#### 4. ROADS AND WATER CROSSINGS

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The following road and water crossing requirements shall apply to such activities in P-WL1, P-WL2, P-SL, P-FP, P-GP Protection and all Development Subdistricts:

- a. The following requirements shall apply to construction and maintenance of roads:
- (1) All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of a flowing, standing or tidal body of water or a wetland shall be revegetated or otherwise stabilized so as to prevent erosion and sedimentation of water bodies or wetlands;
  - (2) Road banks shall have a slope no steeper than 2 horizontal to 1 vertical;
  - (3) Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist;
  - (4) In order to prevent road surface drainage from directly entering water bodies or wetlands, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil of the road and the normal high water mark of a surface water body or upland edge of a wetland:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

This requirement shall not apply to road approaches to water crossings or wetlands.

- (5) Drainage ditches for roads approaching a water crossing or wetland shall be designed, constructed, and maintained to empty into an unscarified filter strip, of at least the width indicated in the table set forth in subsection (4) above, between the



outflow point of the ditch and the normal high water mark of the water or the upland edge of a wetland. Where such filter strip is impracticable, appropriate techniques shall be used to reasonably avoid sedimentation of the water body or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed so as to reasonably avoid sedimentation of the water body or wetland;

- (6) Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch.
  - (a) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less;
  - (b) On roads having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road;
  - (c) Ditch relief culverts, drainage dips and water turnouts shall direct drainage onto unscarified filter strips as required in paragraph (4) and (5) above;
  - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials; and
  - (e) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade Percent	Spacing Feet
0-2	500-300
3-5	250-180
6-10	167-140
11-15	136-127
16-20	125-120
21+	100

- b. The following requirements shall apply to water crossings when surface waters are unfrozen:

- (1) Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the stream channel.



- (2) Culvert and bridge sizes may be smaller than provided in paragraph (1) if techniques are employed such that in the event of culvert or bridge failure, the natural course of water flow is reasonably maintained and sedimentation of the water body is reasonably avoided; such techniques may include, but are not limited to, the effective use of any or all of the following:
  - (a) removing culverts prior to the onset of frozen ground conditions;
  - (b) using water bars in conjunction with culverts; or
  - (c) using road dips in conjunction with culverts.
- (3) Culverts utilized in water crossings shall:
  - (a) be installed at or below stream bed elevation;
  - (b) be seated on firm ground;
  - (c) have soil compacted at least halfway up the side of the culvert;
  - (d) be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
  - (e) have a headwall at the inlet end which is adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.
- c. The design and construction of land management road systems through wetlands, other than those areas below the normal high water mark of standing or flowing waters, must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

To maintain the existing hydrology of wetlands, road drainage designs shall provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This shall be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills shall consist of free draining granular material.

To accomplish the above, the following requirements apply:

- (1) Road construction on mineral soils or those with surface organic layers up to 4 feet in thickness:
  - (a) Fill may be placed directly on the organic surface compressing or displacing the organic material until equilibrium is reached. With this method, culverts



or other cross-drainage structures are used instead of porous layers to move surface and subsurface flows through the road fill material.

- (i) For road construction on mineral soils or those with surface organic layers less than 16 inches in thickness, culverts or other cross-drainage structures shall be appropriately sized and placed at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum intervals of 300 feet;
  - (ii) For road construction on surface organic layers in excess of 16 inches but less than 4 feet in thickness, cross drainage must be provided by placing culverts at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum 300-foot intervals. Culverts shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface.
  - (iii) Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the road centerline shall be constructed along the toe of the fill to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Unditched breaks shall be left midway between culverts to prevent channelization.
- (b) Alternatively, a porous layer may be created to move surface and subsurface flows through the road fill materials. If a porous layer is used, geotextile fabric must be placed above and below fill material to increase the bearing strength of the road and to preserve the bearing strength of fill material by preventing contamination with fine soil particles.
- (2) Road construction on soils with organic layers in excess of 4 feet in thickness:
- (a) Such construction shall only take place under frozen ground conditions.
  - (b) Geotextile fabric shall be placed directly on the soil surface. Road fill or log corduroy shall then be placed on the geotextile fabric.
  - (c) Cross drainage shall be provided by either a continuous porous layer or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:



- (i) A continuous porous layer or layers shall be constructed by placement of one or more layers of wood corduroy and/or large stone or chunkwood separated from adjacent fill layers by geotextile fabric placed above and below the porous layer(s) such that continuous cross drainage is provided in the top 12 inches of the organic layer; or
  - (ii) Cross drainage culverts or other cross-drainage structures shall be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface. Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the roadbed on both sides shall be used to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Such ditches shall be located three times the depth of the organic layer from the edge of the road fill. Unditched breaks shall be left midway between culverts to prevent channelization.
- d. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning.
  - e. Maintenance of the above required water control installations shall continue until the road is discontinued and put to bed by taking the following actions:

(1) Water bars shall

- (a) be constructed and maintained across the road at intervals established below:

Road Grade Percent	Distance Between Water Bars Feet
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- (b) be constructed at approximately 30 degrees downslope from the line perpendicular to the center line of the road;
- (c) be constructed so as to reasonably avoid surface water flowing over or under the water bar; and



- (d) extend sufficient distance beyond the traveled way so that water does not reenter the road surface.
- (2) Any bridge or water crossing culvert in such road shall satisfy one of the following requirements:
  - (a) it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
  - (b) it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the stream channel; or
  - (c) it shall be dismantled and removed in a fashion so as to reasonably avoid sedimentation of the water body.
- f. Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating the 10 and 25 year frequency water flows and thereby determining crossing sizes as required in paragraphs b and e of this Section:
  - (a) The USDA Soil Conservation Service (SCS) Methods; specifically: "Urban Hydrology for Small Watersheds," June 1986 Soil Conservation Service Technical Release #55.
  - (b) The United States Geological Survey (USGS) Methods; specifically: U.S. Geological Survey. 1975. "A Technique for Estimating the Magnitude and Frequency of Floods in Maine." Open- file Report 75-292.
- g. Extension, enlargement or resumption of use of presently existing roads, which are not in conformity with the provisions of this Section, are subject to the provisions of Section 10.11 of this chapter.
- h. Publicly owned roads may be constructed in a fashion that is not in strict conformity with the provisions of this section, provided that other measures are applied that are effective in reasonably avoiding sedimentation of surface waters.
- i. Except that subsection j below always applies, trail crossings of minor flowing waters shall be exempt from the standards of this section, provided such crossings are constructed in a manner that causes no disturbance to the stream bed, and no substantial disturbance to the banks or shoreland areas in the vicinity of the crossing, and provided such crossings do not impede the flow of water or the passage of fish. If properly undertaken, acceptable methods may include but not be limited to the laying of logs from bank to bank, or placement of bed logs and stringers with decking. This exemption shall not extend to the construction of abutments or piers.

Trail crossings not so exempted shall be subject to the water crossing standards of this section, including specifically subsections 10.17, A, 4, b, d, e, f, j and k.



- j. In addition to the foregoing minimum requirements, provision shall otherwise be made in the construction and maintenance of roads and water crossings in order to reasonably avoid sedimentation of surface waters.
- k. Written notice of all road and water crossing construction activities, except level A road projects and exempt trail crossings as provided in subsection i above, shall be given to the Commission prior to the commencement of such activities. Such notice shall conform to the requirements of Section 10.20 of this chapter and shall state the manner in which the water crossing size requirements of this section will be satisfied.

Permit No: GP-39

Effective Date: Sept. 29, 2000

Expiration Date: Sept. 29, 2005

Applicant: General Public, State of Maine

**DEPARTMENT OF THE ARMY  
PROGRAMMATIC GENERAL PERMIT  
STATE OF MAINE**

The New England District of the U.S. Army Corps of Engineers hereby issues a programmatic general permit (PGP) that expedites review of minimal impact work in coastal and inland waters and wetlands within the State of Maine. Activities with minimal impacts, as specified by the terms and conditions of this general permit and on the attached DEFINITION OF CATEGORIES sheets, are either non-reporting (provided required local and state permits are received), or are reporting, to be screened by the Corps and Federal Resource Agencies for applicability under the general permit. This general permit does not affect the Corps individual permit review process or activities exempt from Corps jurisdiction.

**Activities Covered:** work and structures that are located in, or that affect, navigable waters of the United States (regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899) and the discharge of dredged or fill material into waters of the United States (regulated by the Corps under Section 404 of the Clean Water Act), and the transportation of dredged material for the purpose of disposal in the ocean (regulated by the Corps under Section 103 of the Marine Protection, Research and Sanctuaries Act).

**PROCEDURES:**

**A. State Approvals**

For projects authorized pursuant to this general permit that are also regulated by the State of Maine, the following state approvals are also required and must be obtained in order for this general permit authorization to be valid (applicants are responsible for ensuring that all required state permits and approval have been obtained):

- (a) Maine Department of Environmental Protection (DEP): Natural Resources Protection Act permit, including permit-by-rule and general permit authorizations; Site Location and Development Act permit; and Maine Waterway Development and Conservation Act.
- (b) Maine Department of Conservation: Land Use Regulation Commission (LURC) permit.
- (c) Maine Department of Marine Resources: Lease.
- (d) Bureau of Public Lands, Submerged Lands: Lease.

Note that projects not regulated by the State of Maine (e.g., seasonal floats or moorings) may still be authorized by this general permit.

## **B. Corps Authorizations : Category I (Non-Reporting)**

Work in Maine subject to Corps jurisdiction that meets the definition of Category I on the attached DEFINITION OF CATEGORIES sheets and that meets all of this permit's other conditions, does not require separate application to the Corps of Engineers. If the State or the Corps does not contact the applicant for PBRs and Tier One permits during the State's Tier One 30-day review period, Corps approval may be assumed and the project may proceed. Refer to the Procedures Section at Paragraph E below for additional information regarding screening.

**Note that the review thresholds under Category I apply to single and complete projects only (see special condition 5). Also note that Category I does not apply to projects occurring in a component of, or within 0.25 miles up and downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System (see condition 11, and page 9 for the listed rivers in Maine).**

There are also restrictions on other national lands or concerns which must be met in order for projects to be eligible for authorization under this PGP. Refer to special conditions 6-13 under Paragraph F below.

Work that is not regulated by the State of Maine, but that is subject to Corps jurisdiction, is eligible for Corps authorization under this PGP in accordance with the review thresholds and conditions contained herein.

Although Category I projects are non-reporting, the Corps reserves the right to require screening or an individual permit review if there are concerns for the aquatic environment or any other factor of the public interest (see special condition 4 on Discretionary Authority). The Corps review or State/Federal screening process may also result in project modification, mitigation or other special conditions necessary to minimize impacts and protect the aquatic environment as a requirement for PGP approval.

## **C. Corps Authorization: Category II (Reporting – requiring screening)**

### **APPLICATION PROCEDURES**

For projects that do not meet the terms of Category I (see DEFINITION OF CATEGORIES sheets), the Corps, State, and Federal Resource Agencies will conduct joint screening meetings to review applications. If projects are concurrently regulated by the DEP or LURC, applicants do not need to submit separate applications to the Corps. For projects not regulated by DEP or LURC, applicants must submit an application to the Corps Maine Project Office for a case-by-case determination of eligibility under this general permit (Category II). **Category II projects may not proceed until written notification is received from the Corps.**

Category II projects which occur in a component of, or within 0.25 mile up or downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System, will be coordinated with the National Park Service (see special condition 11, and page 9 for listed rivers in Maine).

There are also restrictions on other national lands or concerns which must be met in order for projects to be eligible for authorization under this PGP. Refer to special conditions 6-14 under Paragraph E below.

Category II applicants shall submit a copy of their application materials to the Maine Historic Preservation Commission and/or applicable Indian tribe(s) at the same time, or before, they apply to the DEP, LURC, or the Corps so that the project can be reviewed for the presence of historic/archaeological resources in the project area that may be affected by the proposed work. **Applications to the DEP or the Corps should include information to indicate that this has been done (applicant's statement or copy of cover letter to Maine Historic Preservation Commission and/or Indian tribe(s)).**

**The Corps may require additional information on a case-by-case basis as follows:**

- (a) purpose of project;
- (b) 8 1/2" by 11" plan views of the entire property including property lines and project limits with existing and proposed conditions (**legible, reproducible plans required**);
- (c) wetland delineation for the site, information on the basis of the delineation, and calculations of waterway and wetland impact areas (see special condition 2);
- (d) typical cross-section views of all wetland and waterway fill areas and wetland replication areas;
- (e) delineation of submerged aquatic vegetation, e.g., eel grass beds, in tidal waters;
- (f) area, type and source of fill material to be discharged into waters and wetlands, including the volume of fill below ordinary high water in inland waters and below the high tide line in coastal waters;
- (g) mean low, mean high water and high tide elevations in navigable waters;
- (h) limits of any Federal navigation project in the vicinity and State Plane coordinates for the limits of the proposed work closest to the Federal project;
- (i) on-site alternatives analysis (contact Corps for guidance);
- (j) identify and describe potential impacts to Essential Fish Habitat (contact Corps for guidance);
- (k) for dredging projects, include:
  - 1) the volume of material and area in square feet to be dredged below mean high water,
  - 2) existing and proposed water depths,
  - 3) type of dredging equipment to be used,
  - 4) nature of material (e.g., silty sand),

- 5) any existing sediment grain size and bulk sediment chemistry data for the proposed or any nearby projects,
- 6) information on the location and nature of municipal or industrial discharges and occurrences of any contaminant spills in or near the project area,
- 7) location of the disposal site (include locus sheet),
- 8) shellfish survey, and
- 9) sediment testing, including physical, chemical and biological testing. For projects proposing open water disposal, applicants are encouraged to contact the Corps as early as possible regarding sampling and testing protocols.

The Corps may request additional information. Dredging applicants may be required to conduct a shellfish and/or eel grass survey and sediment testing, including physical, chemical and biological testing. Sediment sampling and testing plans should be prepared or approved by the Corps before the samples are collected.

#### **STATE-FEDERAL SCREENING PROCEDURES:**

The Corps intends to utilize the application information required by the State for its regulatory program to the maximum extent practicable and the Corps normally will not be interacting with an applicant who is concurrently making application to the DEP or LURC. Projects not regulated by the State, but needing Corps of Engineers approval, **must apply directly to the Corps**. The joint screening meeting for Category II projects will occur regularly at the Corps or State offices and will involve representatives from the DEP, the Corps, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

The Corps and Federal Resource Agencies will classify the project within the State's review period, not to exceed 60 days, as: 1) approvable under the PGP as proposed; 2) needs additional information, including possible project modification, mitigation or other special conditions to minimize impacts; or 3) exceeds the terms or conditions of the PGP, including the minimal effects requirement, and an individual permit review will be required. In addition, the Corps retains the ability to exercise its discretionary authority and require an individual permit, irrespective of whether the terms and conditions of this general permit are met, based on concerns for the aquatic environment or any factor of the public interest (see special condition 4 on Discretionary Authority). All Category II projects must receive written approval from the Corps before work can proceed. If the project is not approvable as proposed, the DEP, LURC, or the Corps will contact the applicant to discuss the concerns raised. If the applicant is unable to resolve the concerns, the Corps, independently or at the request of the Federal Resource Agencies, will require an individual permit for the project. The applicant will be notified of this in writing, along with information about submitting the necessary application materials. The comments from the Federal Resource Agencies to the Corps may be verbal initially, and must be made within 10 working days of the screening meeting. These comments must be confirmed in writing within 10 calendar days of the verbal response if the Resource Agency(ies) will request an individual permit. The Federal Resource Agency's comments must reflect a concern within their area of expertise, state the species or resources that could be impacted by the project, and describe the impacts that either individually or cumulatively will be more than minimal.

## MINERALS MANAGEMENT SERVICE (MMS) REVIEW

For Category II projects which involve construction of solid fill structures or discharge of fills along the coast which may extend the coastline or baseline from which the territorial sea is measured, coordination between the Corps and Minerals Management Service (MMS), Continental Shelf (OCS) Survey Group, will be needed (pursuant to the Submerged Lands Act, 43 U.S.C., Section 1301-1315, 33 CFR 320.4(f)). During the screening period, the Corps will forward project information to MMS for their review. MMS will coordinate their determination with the Department of the Interior (DOI) Solicitor's Office. The DOI will have 15 calendar days from the date MMS is in receipt of project information to determine if the baseline will be affected. No notification to the Corps within 15 day review period will constitute a "no affect" determination. Otherwise, the solicitor's notification to the Corps may be verbal but must be followed with a written confirmation within 10 business days from the date of the verbal notification. This procedure will be eliminated if the State of Maine provides a written waiver of interest in any increase in submerged lands caused by a change in the baseline resulting from solid fill structure or fills authorized under this general permit.

### **D. Corps Authorization: Category III (Individual Permit)**

Work that is in the INDIVIDUAL PERMIT category on the attached DEFINITION OF CATEGORIES sheets, or that does not meet the terms and conditions of this general permit, will require an application for an individual permit from the Corps of Engineers (see 33 CFR Part 325.1). The screening procedures outlined above will only serve to delay project review in such cases. The applicant should submit the appropriate application materials (including the Corps application form) at the earliest possible date. General information and application forms can be obtained at (207) 623-8367 (Maine Field Office), (800) 343-4789, or (800) 362-4367 in Massachusetts. Individual water quality certification and coastal zone management consistency concurrence will be required from the State of Maine before Corps permit issuance.

### **E. Programmatic General Permit Conditions:**

The following conditions apply to activities authorized under the PGP, including all Category I (non-reporting) and Category II (reporting – requiring screening) activities:

#### **GENERAL REQUIREMENTS:**

1. **Other Permits.** Authorization under this general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
2. **Applicability of this general permit shall be evaluated with reference to Federal jurisdictional boundaries.** Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328-329.
3. **Minimal Effects.** Projects authorized by this general permit shall have minimal individual and cumulative adverse environmental impacts as determined by the Corps.



4. **Discretionary Authority.** Notwithstanding compliance with the terms and conditions of this permit, the Corps of Engineers retains discretionary authority to require review for an individual permit based on concerns for the aquatic environment or for any other factor of the public interest. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant individual review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal or if there is a special resource or concern associated with a particular project that is not already covered by the remaining conditions of the PGP and that warrants greater review.

Whenever the Corps notifies an applicant that an individual permit may be required, authorization under this general permit is void and no work may be conducted until the individual Corps permit is obtained or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this general permit.

5. **Single and Complete Projects.** This general permit shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project and/or all planned phases of multi-phased projects shall be treated together as constituting one single and complete project (e.g., subdivisions should include all work such as roads, utilities, and lot development). This general permit shall not be used for any activity that is part of an overall project for which an individual permit is required.

#### NATIONAL CONCERNS:

6. **St. John/St. Croix Rivers.** This covers work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission. This includes any temporary or permanent use, obstruction or diversion of international boundary waters which could affect the natural flow or levels of waters on the Canadian side of the line, as well as any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters when the activity could raise the natural level of water on the Canadian side of the boundary.
7. **Historic Properties.** Any activity authorized by this general permit shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the Maine Historic Preservation Commission and the National Register of Historic Places. Federally recognized tribes (Penobscots, Passamaquoddys, Micmacs, and Maliseets) may know of the existence of other sites that may be of significance to their tribes. See page 14 for historic properties contacts.

Applicants with projects which will undergo the screening process (Category II) shall submit a copy of their application materials, with the name and address of the applicant clearly indicated, to the Maine Historic Preservation Commission, 55 Capitol Street, State House Station 65, Augusta, Maine 04333, and to the applicable tribe(s) to be reviewed for the presence of historic and/or archaeological resources in the permit area that may be affected by the proposed work. The Corps will then be notified by the Commission and/or

Tribe within 10 days if there are State and/or tribal concerns that the proposed work will have an effect on historic resources. The applicant should include with their application to the State or the Corps either a copy of their cover letter or a statement of having sent their application material to the Commission and Tribe(s).

If the permittee, either prior to construction or during construction of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource, within the area subject to Department of the Army jurisdiction, that might be eligible for listing in the National Register of Historic Places, he/she shall stop work and immediately notify the District Engineer and the Maine Historic Preservation Commission and/or applicable Tribe(s).

8. **National Lands.** Activities authorized by this general permit shall not impinge upon the value of any National Wildlife Refuge, National Forest, or any area administered by the National Park Service.
9. **Endangered Species.** No activity is authorized under this general permit which
  - may affect a threatened or endangered species or a species proposed for such designation as identified under the Federal Endangered Species Act (ESA),
  - is likely to destroy or adversely modify the critical habitat or proposed critical habitat of such species,
  - would result in a 'take' of any threatened or endangered species of fish or wildlife, or
  - would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants.

Applicants shall notify the Corps if any listed species or critical habitat, or proposed species or critical habitat, is in the vicinity of the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (addresses attached, page 14).

10. **Essential Fish Habitat.** As part of the PGP screening process, the Corps will coordinate with the National Marine Fisheries Service (NMFS) in accordance with the 1996 amendments to the Magnuson-Stevens Fishery and Conservation Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed "essential fish habitat (EFH)", and is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Applicants may be required to describe and identify potential impacts to EFH based upon the location of the project, the activity proposed, and the species present. Conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. Information on the location of EFH can be obtained from the NMFS regulations (50 CFR Part 600) (address listed on page 14) and on their web site (<http://www.nero.nmfs.gov/ro/doc/webintro.html>).

The EFH designation for Atlantic salmon includes all aquatic habitats in the watershed of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration:

St. Croix River	Pleasant River	Union River
Boyden River	Narraguagus River	Ducktrap River
Dennys River	Tunk Stream	Sheepscot River
Hobart Stream	Patten Stream	Kennebec River
Aroostook River	Orland River	Androscoggin River
East Machias River	Penobscot River	Presumpscot River
Machias River	Passagassawaukeag River	Saco River

11. **Wild and Scenic Rivers.** Any activity that occurs in a component of, or within 0.25 mile up or downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System, **must be reviewed by the Corps under the procedures of Category II of this general permit regardless of size of impact.** This condition applies to both designated wild and scenic rivers and rivers designated by Congress as study rivers for possible inclusion while such rivers are in an official study status. The Corps will consult with the National Park Service (NPS) with regard to potential impacts of the proposed work on the resource values of the Wild and Scenic River. The culmination of this coordination will be a determination by the NPS and the Corps that the work: (1) may proceed as proposed; (2) may proceed with recommended conditions; or (3) could pose a direct and adverse effect on the resource values of the river and an individual permit is required. If preapplication consultation between the applicant and the NPS has occurred whereby the NPS has made a determination that the proposed project is appropriate for authorization under this PGP (with respect to wild and scenic river issues), this determination should be furnished to the Corps with submission of the application. The address of the NPS can be found on Page 14 of this permit. *National Wild/Scenic Rivers System (Designated River in Maine) as of 5/2/00: Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River. Length = 92 miles*
12. **Federal Navigation Project.** Any structure or work that extends closer to the horizontal limits of any Corps navigation project than a distance of three times the project's authorized depth (see attached map following page 16 for locations of these projects) shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys.
13. **Navigation.** There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure

or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

14. **Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following: (a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest; (c) damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

#### MINIMIZATION OF ENVIRONMENTAL IMPACTS:

15. **Minimization.** Discharges of dredged or fill material into waters of the United States shall be avoided and minimized to the maximum extent practicable, regardless of review category.
16. **Work in Wetlands.** Heavy equipment working in wetlands shall be avoided if possible, and **if required, shall be placed on mats or other measures taken** to minimize soil and vegetation disturbance. Disturbed areas in wetlands shall be restored to preconstruction contours and conditions upon completion of the work.
17. **Temporary Fill.** Temporary fill in waters and wetlands authorized by this general permit (e.g., access roads, cofferdams) shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their approximate original contours but not higher. No temporary fill shall be placed in waters or wetlands unless specifically authorized by the Corps.
18. **Sedimentation and Erosion Control.** Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

19. **Waterway Crossings.**

- (a) All temporary and permanent crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, to maintain existing low flows, and to not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.
- (b) Temporary bridges, culverts, or cofferdams shall be used for equipment access across streams (NOTE: areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this general permit).
- (c) For projects that otherwise meet the terms of Category I, instream construction work shall be conducted during the low flow period July 15 - October 1 in any year. Projects that are not to be conducted during that time period are ineligible for Category I and shall be screened pursuant to Category II, regardless of the waterway and wetland fill and/or impact area.

20. **Discharge of Pollutants.** All activities involving any discharge of pollutants into waters of the United States authorized under this general permit shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1251) and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this permit, the authorized work shall be modified to conform with these standards within six months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the Environmental Protection Agency. Applicants may presume that state water quality standards are met with issuance of the 401 Water Quality Certification.

21. **Spawning Areas.** Discharges into known 1) fish and shellfish spawning or nursery areas; and 2) amphibian and waterfowl breeding areas, during spawning or breeding seasons shall be avoided, and impacts to these areas shall be avoided or minimized to the maximum extent practicable during all times of year.

22. **Storage of Seasonal Structures.** Coastal structures such as pier sections and floats that are removed from the waterway for a portion of the year shall be stored in an upland location located above mean high water and not in tidal marsh.

23. **Environmental Values.** The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to maintain as much as is practicable, and to minimize any adverse impacts on, existing fish and wildlife and natural environmental values.

24. **Protection of Vernal Pools.** Impacts to uplands in proximity (within 500 feet) to the vernal pools referenced in DEFINITIONS OF CATEGORIES shall be minimized to the maximum extent possible.

## PROCEDURAL CONDITIONS:

25. **Cranberry Development Projects.** For Cranberry development projects authorized under the PGP, the following conditions apply:
1. If a cranberry bog is abandoned for any reason, the area must be allowed to convert to natural wetlands unless an individual permit is obtained from the Corps of Engineers allowing the discharge of fill for an alternate use.
  2. No stream diversion shall be allowed under this permit.
  3. No impoundment of perennial streams shall be allowed under this permit.
  4. The project shall be designed and constructed to not cause flood damage on adjacent properties.
26. **Inspections.** The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The District Engineer may also require post-construction engineering drawings for completed work, and post-dredging survey drawings for any dredging work. **To facilitate these inspections, the attached work notification form should be filled out and returned to the Corps for all Category II projects.**
27. **Maintenance.** The permittee shall maintain the work or structures authorized herein in good condition, including maintenance, to ensure public safety. Dredging projects: note that this does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds described on the attached DEFINITION OF CATEGORIES sheets and/or any conditions included in a written Corps authorization.
28. **Property Rights.** This permit does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations. **If property associated with work authorized by the PGP is sold, the PGP authorization is automatically transferred to the new property owner. The new property owner should provide this information to the Corps in writing. No acknowledgement from the Corps is necessary.**
29. **Modification, Suspension, and Revocation.** This permit may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7 and any such action shall not be the basis for any claim for damages against the United States.
30. **Restoration.** The permittee, upon receipt of a notice of revocation of authorization under this permit, shall restore the wetland or waterway to its former condition without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

31. **Special Conditions.** The Corps, independently or at the request of the Federal Resource Agencies, may impose other special conditions on a project authorized pursuant to this general permit that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties or restoration.
32. **False or Incomplete Information.** If the Corps makes a determination regarding the eligibility of a project under this permit and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the permit shall not be valid and the government may institute appropriate legal proceedings.
33. **Abandonment.** If the permittee decides to abandon the activity authorized under this general permit, unless such abandonment is merely the transfer of property to a third party, he/she must restore the area to the satisfaction of the District Engineer.
34. **Enforcement cases.** This general permit does not apply to any existing or proposed activity in Corps jurisdiction associated with an on-going Corps of Engineers or Environmental Protection Agency enforcement action until such time as the enforcement action is resolved or the Corps determines that the activity may proceed independently without compromising the enforcement action. The Corps may choose not to accept applications or issue permits to any applicant with outstanding violations.
35. **Emergency situations.** This PGP can be used to authorize the repair, rehabilitation, or replacement of those structures destroyed by storms, floods, fire or other discrete unexpected and catastrophic event. In such situations and if the work exceeds Category I limitations, if applicant applies to the Corps within 30 days of the event, the Corps will attempt to contact the resource agencies for their approvals but, if unable to contact them, will issue an emergency permit and review them after-the-fact with the agencies at the next joint processing meeting. Proposed work submitted more than 30 days after the emergency will go through the standard PGP procedures.

#### DURATION OF AUTHORIZATION/GRANDFATHERING:

36. **Duration of Authorization.** Activities authorized under this general permit that have commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will remain authorized provided the activity is completed within twelve months of the date of the general permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2 (e)(2). Activities completed under the authorization of the general permit that was in effect at the time the activity was completed will continue to be authorized by the general permit.

**37. Previously Authorized Activities.**

- (a) Activities which have commenced (i.e., are under construction or are under contract to commence) prior to the issuance date of this general permit, in reliance upon the terms and conditions of the non-reporting category of the previous Maine PGP shall remain authorized provided the activity is completed within twelve months of the date of issuance of this general permit, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with special condition 4. The applicant must be able to document to the Corps satisfaction that the project was under construction or contract by the appropriate date.
- (b) Projects that have received written verification or approval from the Corps, based on applications made to the Corps prior to issuance of this general permit, for the previous Maine SPGP and PGP, Nationwide permits, regional general permits, or letters of permission shall remain authorized as specified in each authorization.
- (c) This general permit does not affect activities authorized pursuant to 33 CFR Part 330.3 (activities occurring before certain dates).

{PRIVATE}DISTRICT  
ENGINEER\_\_\_\_\_

DATE\_\_\_\_\_



## CONTACTS FOR MAINE PROGRAMMATIC GENERAL PERMIT:

*U.S. Army Corps of Engineers*  
Maine Project Office  
675 Western Avenue #3  
Manchester, Maine 04351  
207-623-8367  
Fax # 207-623-8206

*Federal Endangered Species*  
U.S. Fish and Wildlife Service  
Maine Field Office  
1033 South Main Street  
Old Town, Maine 04468  
207-827-5938  
Fax # 207-827-6099

*Wild and Scenic Rivers*  
National Park Service  
North Atlantic Region  
15 State Street  
Boston, MA 02109  
617-223-5203

*Maine Historic Preservation Commission*  
55 Capitol Street  
State House Station 65  
Augusta, Maine 04333  
207-287-2132  
Fax # 207-287-2335

*Aroostook Band of Micmacs*  
P.O. Box 772  
Presque Isle, Maine 04769  
207-764-1972  
Fax # 207-764-7667

*Passamaquoddy Tribe of Indians*  
Pleasant Point Reservation  
Attn: Tribal Council  
P.O. Box 343  
Perry, Maine 04667  
207-853-2600  
Fax # 207-853-6039

*Federal Endangered Species and Essential  
Fish Habitat*  
National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, Massachusetts 01939  
978-281-9102  
Fax # 978-281-9301

*Houlton Band of Maliseet Indians*  
Attn: Brenda Commander, Tribal Chief  
Route 3 – Box 450  
Houlton, Maine 04730  
207-532-4273  
Fax # 207-532-2660

*Passamaquoddy Tribe of Indians*  
Indian Township Reservation  
Attn: Donald Soctomah  
P.O. Box 301  
Princeton, Maine 04668  
207-796-2301  
Fax # 207-796-5256

*Penobscot Indian Nation*  
Richard Hamilton, Chief  
6 River Road  
Indian Island Reservation  
Old Town, Maine 04468  
(207) 827-7776  
Fax # 207-827-1137

*Maine Department of Environmental Protection  
(For State Permits and Water Quality  
Certifications)*

Natural Resources Division  
Bureau of Land and Water Quality Control  
State House Station 17  
Augusta, Maine 04333  
207-287-2111

Southern Maine Regional Office  
312 Canco Road  
Portland, Maine 04103  
201-822-6300

Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401  
207-941-4570

Northern Maine Regional Office  
1235 Central Drive  
Skyway Park  
Presque Isle, Maine 04769  
207-764-0477

*Maine Land Use Regulation Commission (LURC)  
offices*

22 State House Station  
Augusta, ME 04333-0022  
207-287-2631  
800-452-8711 (call to obtain appropriate LURC  
office)  
Fax # 207-287-7439

45 Radar Road  
Ashland, ME 04732-3600  
207-435-7963  
Fax # 207-435-7184

Lakeview Drive  
P.O. Box 1107  
Greenville, ME 04441  
207-695-2466  
Fax # 207-695-2380

191 Main Street  
East Millinocket, ME 04430  
207-746-2244  
Fax # 207-746-2243

*(For CZM Determinations)*

State Planning Office  
Coastal Program  
184 State Street  
State House Station 38  
Augusta, Maine 04333  
207-287-1009

*Maine Department of Marine Resources  
(For Aquaculture Leases)*  
McKown Point  
Boothbay Harbor, Maine 04575  
207-633-9500

*(For Submerged Lands Leases)*

Maine Department of Conservation  
Bureau of Parks and Lands  
22 State House Station  
207-287-3061

A. INLAND WETLANDS (WATERS OF THE U.S.) <sup>1</sup>	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) NEW FILL/ EXCAVATION DISCHARGES	<p>Less than 4,300 sf inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>-- Includes projects covered by a State Tier One permit with no cumulative impacts over 15,000 sf in inland wetlands from previous permits, unauthorized work, and/or other state permits.</p> <p>--Includes crossing of perennial waterways designated as Essential Fish Habitat (EFH) for Atlantic salmon<sup>2</sup> if the waterway is crossed with a span and footprints of the span abutments are outside ordinary high water with no more than 4,300 sf of associated wetland impact.</p> <p>--Includes in-stream work of up to 4,300 sf of fill below ordinary high water in waterways not designated as EFH for Atlantic salmon<sup>2</sup> and performed in accordance with Maine Permit By Rule standards or a LURC permit.</p>	<p>4,300 sf to 3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>--Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback.</p> <p>--Includes in-stream work, including crossings (other than spanned crossing as described in Category I) with any discharge of fill below ordinary high water in perennial waterways designated as EFH for Atlantic salmon<sup>2</sup>.</p> <p>--Time of year restrictions determined case-by-case.</p>	<p>Greater than 3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>--Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback<sup>3</sup>.</p> <p>In-stream work exceeding Category II limits.</p> <p>If EIS required by the Corps.</p>

<sup>1</sup> Waters of the U.S. in inland areas: inland rivers, streams, lakes, ponds and wetlands.

<sup>2</sup> Essential Fish Habitat for Atlantic salmon includes all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

The larger the impacts, the more likely an individual permit will be required. Projects involving widening, expansion or impacts to degraded or low value wetlands between 1-3 acres may be approved under Category II, subject to the Federal screening. The Corps recognizes and endorses the DEP Tier 2 upper thresholds of 1 acre. Compensatory mitigation is likely to be required at this level of impact.

	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) NEW FILL/ EXCAVATION DISCHARGES (continued)	<p>--Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback.</p> <p>--In-stream work limited to July 15-Oct. 1.</p> <p>--This category excludes situations when a vernal pool of any size may be impacted, in accordance with the ME DEP definition of vernal pool<sup>4</sup>.</p> <p>--This category excludes work within ¼ mile of a Wild and Scenic River<sup>5</sup>.</p> <p>--This category excludes dams, dikes, or activities involving water withdrawal or water diversion.</p> <p>--This category excludes work in National Wildlife Refuges.</p>	Proactive restoration projects with any amount of impact can be reviewed under Category II. The Corps, in consultation with State and Federal agencies, must determine that net adverse effects are not more than minimal.	
(b) BANK STABILIZATION PROJECTS	<p>Inland bank stabilization less than 500 ft. long and less than 1 cy fill per linear foot below ordinary high water in ponds, lakes, and waterways not designated as EFH for Atlantic Salmon<sup>2</sup>, provided there is no wetland fill.</p> <p>--In-stream work limited to July 15-October 1.</p>	<p>--Inland bank stabilization in ponds, lakes, and waterways not designated as EFH for Atlantic salmon<sup>2</sup> which exceeds Category I limits.</p> <p>--Inland bank stabilization of any size below ordinary high water in waterways designed as EFH for Atlantic salmon<sup>2</sup>.</p> <p>--Other stabilization exceeding Category I.</p>	
(c) REPAIR AND MAINTENANCE OF AUTHORIZED FILLS	Repair or maintenance of existing, currently serviceable, authorized fills with no substantial expansion or change in use.	Replacement of non-serviceable fills, or repair or maintenance of serviceable fills with expansion of any amount up to 1 acre, or with a change in use.	Replacement of non-serviceable fills, or repair or maintenance of serviceable fills with greater than 1 acre of expansion.

<sup>4</sup> Vernal Pool: Naturally-occurring, or intentionally created for the purposes of compensatory mitigation, temporary to permanent bodies of water occurring in shallow depressions that fill during the spring and fall and may dry during the summer. Vernal pools have no permanent or viable populations of predatory fish. Vernal pools provide the primary breeding habitat for wood frogs, spotted salamanders, blue-spotted salamanders, and fairy shrimp, and provide habitat for other wildlife including several endangered and threatened species.

<sup>5</sup> National Wild/Scenic Rivers System (Designated River in Maine): Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River. Length = 92 miles

B. TIDAL WATERS AND NAVIGABLE WATERS <sup>6</sup>	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) FILL		<p>Up to 1 acre waterway or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared). Includes temporary and permanent waterway fill.</p> <p>--Temporary tidal marsh impacts up to 1 acre.</p> <p>--Permanent tidal marsh, mudflat, or vegetated shallows<sup>7</sup> fill up to 1,000 sf.</p> <p>-- Proactive restoration projects with any amount of impact can be reviewed under Cat. II. The Corps, in consultation with State and Federal agencies, must determine that net adverse effects are not more than minimal.</p>	<p>Greater than 1 acre waterway fill and secondary impacts (e.g., areas drained, flooded or cleared). Includes temporary and permanent waterway fill.</p> <p>--Temporary tidal marsh impacts over 1 acre.</p> <p>--Permanent tidal marsh, mudflat, or vegetated shallows<sup>6</sup> fill over 1,000 sf.</p>
(b) REPAIR AND MAINTENANCE WORK	<p>Repair or maintenance of existing, currently serviceable, authorized structure or fill with no substantial expansion or change in use.</p> <p>--Work must be in same footprint as original structure or fill.</p>	<p>Repair or replacement of any non-serviceable structure or fill, or repair or maintenance of serviceable fills, with expansion of any amount up to 1 acre, or with a change in use.</p>	<p>Replacement of non-serviceable structures or fill or repair or maintenance of serviceable structures or fill with expansion greater than 1 acre.</p>

<sup>6</sup> Navigable Waters: waters that are subject to the ebb and flow of the tide and Federally designated navigable waters (Penobscott River to Medway, Kennebec River to Mooshead Lake, and the portion of Umbagog Lake in Maine).

<sup>7</sup> Vegetated Shallows: subtidal areas that support rooted aquatic vegetation such as eelgrass.

	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(c) DREDGING	<p>Maintenance dredging of less than 1,000 cy with upland disposal.</p> <p>--Proper siltation controls used</p> <p>--Limited to work between November 1 and January 15</p> <p>--No impact to special aquatic sites<sup>8</sup>.</p>	<p>Maintenance dredging of greater than 1,000 cy, new dredging of up to 25,000 cy, or projects that do not meet Category I. Disposal includes upland, open water or beach nourishment (above mean high water), only if material is determined suitable.</p>	<p>Maintenance dredging (any amount) in or affecting special aquatic sites<sup>7</sup>. See B(a) above for dredge disposal in wetlands or waters.</p> <p>New dredging greater than 25,000 cy or any amount in or affecting special aquatic sites<sup>7</sup>.</p>
(d) MOORINGS	<p>--Private, non-commercial, non-rental single boat moorings not associated with any boating facility<sup>9</sup> provided not located in a Federal Navigation Project, there is no interference with navigation, it is not located in vegetated shallows<sup>6</sup>, and it is within ¼ mile of the owner's residence or a public access point<sup>10</sup>.</p> <p>--Minor relocation of previously authorized moorings and moored floats consistent with Harbormaster recommendations, provided it is also consistent with local regulations, is not located in vegetated shallows, and does not interfere with navigation.</p>	<p>Moorings that do not meet the terms of Category I (e.g., rental or service moorings) and moorings that meet the terms of Category I that are located in a Federal anchorage.</p>	<p>Moorings within the horizontal limits, or with moored vessels that extend, into the horizontal limits of a Federal Navigation Project, except those in Federal anchorages under Category II.</p>

<sup>8</sup> Special Aquatic Sites: include wetlands and salt marsh, mudflats, riffles and pools, and vegetated shallows.

<sup>9</sup> Boating Facilities: facilities that provide, rent, or sell mooring space, such as marinas, yacht, clubs, boat clubs, boat yards, town facilities, dockminiums, etc.

<sup>10</sup> Cannot be at a remote location to create a convenient transient anchorage.

	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(e) PILE-SUPPORTED STRUCTURES AND FLOATS	Reconfiguration of existing authorized docks, provided structures are not positioned over vegetated shallows <sup>6</sup> or salt marsh and provided floats are supported off substrate at low tide. No dredging, additional slips or expansion allowed.	Private piers and floats for navigational access to waterway (seasonal and permanent).	Structures, piers or floats that extend, or with docked/moored vessels that extend, into the horizontal limits of a Federal Navigation Project. Structures, including piers and floats, associated with a new or previously unauthorized boating facility <sup>8</sup> .
(f) MISCELLANEOUS	<ul style="list-style-type: none"> <li>--Temporary buoys, markers, floats, etc., for recreational use during specific events, provided they are removed within 30 days after use is discontinued.</li> <li>--Coast Guard approved aids to navigation.</li> <li>--Oil spill clean-up temporary structures or fill.</li> <li>--Fish/wildlife harvesting structures/fill (as defined by 33 CFR 330, App. A-4)</li> <li>--Scientific measurement devices and survey activities such as exploratory drilling, surveying or sampling.</li> <li>--Shellfish seeding (brushing the flats) projects<sup>11</sup></li> <li>--Does not include oil or gas exploration and fills for roads or construction pads.</li> <li>--This category excludes work in National Wildlife Refuges.</li> </ul>	<ul style="list-style-type: none"> <li>--Structures or work in or affecting tidal or navigable waters that are not defined under any of the previous headings. Includes, but is not limited to, utility lines, aerial transmission lines, pipelines, outfalls, boat ramps, bridge fills/abutments, etc.</li> <li>--Shellfish/finfish (other than Atlantic salmon), or other aquaculture facilities which are consistent with the Corps revised standard siting requirements and standard permit conditions dated 7/6/94, or as revised.</li> </ul>	If EIS required by Corps.

<sup>11</sup> Brushing the flats: the placement of tree boughs, wooden lath structures, or small-mesh fencing on mudflats for the purpose of enhancing recruitment of soft-shell clams (*Mya arenaria*).

# WORK START NOTIFICATION FORM

(Minimum Notice: Two Weeks before Work Begins)

**MAIL TO:** U.S. Army Corps of Engineers, New England District  
Regulatory Branch  
Policy Analysis/Technical Support Section  
696 Virginia Road  
Concord, Massachusetts 01742-2751

A Corps of Engineers Permit (No. \_\_\_\_\_) was issued to the permittee. The permit authorized the permittee to \_\_\_\_\_  
\_\_\_\_\_

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

*PLEASE PRINT OR TYPE*

**Name of Person/Firm:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Business Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Telephone Number:** (\_\_\_\_) \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_

**Proposed Work Dates:** Start: \_\_\_\_\_ Finish: \_\_\_\_\_

**PERMITTEE'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PRINTED NAME:** \_\_\_\_\_ **TITLE:** \_\_\_\_\_

FOR USE BY THE CORPS OF ENGINEERS

PM: \_\_\_\_\_ Submittals Required: \_\_\_\_\_  
\_\_\_\_\_

Inspection Recommendation: \_\_\_\_\_  
\_\_\_\_\_



**MITIGATION WORK-START NOTIFICATION FORM**  
**(Minimum Notice: Two Weeks Before Mitigation Work Begins)**

\*\*\*\*\*

MAIL TO: U.S Army Corps of Engineers, New England District  
Regulatory Branch  
Policy Analysis/Technical Support Section  
696 Virginia Road  
Concord, Massachusetts 01742-2751

\*\*\*\*\*

Corps of Engineers Permit No. ( ) was issued to **[insert name of permittee]**. The permit authorized the permittee to **[insert brief description of the authorized work and location]**.

The permit required compensatory mitigation. **[Briefly describe the requirements, including, if applicable, submitting a final mitigation plan and monitoring reports.]**

Those listed below will do the mitigation, including monitoring and remediation if required. They understand the requirements of the permit and the mitigation and monitoring plan.

*PLEASE PRINT OR TYPE*

**Environmental**  
*Consultant/Scientist*

**Mitigation**  
*Contractor*

*Name of Person/Firm:* \_\_\_\_\_

**Business Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Telephone Number:** ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

**Proposed Mitigation Work Dates:** Start \_\_\_\_\_ Finish \_\_\_\_\_

**PERMITTEE'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PRINTED NAME:** \_\_\_\_\_ **TITLE:** \_\_\_\_\_

**Corps PMs:** \_\_\_\_\_

# **Permits & Cultural Resources Unit**

PIN: 10085.56      Location: Mattamiscontis      Permit Member: Rhonda Poirier  
 Photographs ☒      Database/Projex ☒      Package to ENV Coordinator:

☒ **HISTORIC AND CULTURAL RESOURCES**

MHPC Historic Resources	N/A <input type="checkbox"/>	Applicable <input checked="" type="checkbox"/>	Approved <input checked="" type="checkbox"/>	MOA <input type="checkbox"/>
MHPC Archeological Resources	N/A <input type="checkbox"/>	Applicable <input checked="" type="checkbox"/>	Approved <input checked="" type="checkbox"/>	MOA <input type="checkbox"/>
Tribal Consultation	N/A <input checked="" type="checkbox"/>	Applicable <input type="checkbox"/>	Approved <input type="checkbox"/>	

☒ **4(f) and 6(f)**

Section 4(f)	N/A <input checked="" type="checkbox"/>	Applicable <input type="checkbox"/>	Approved <input type="checkbox"/>
LAWCON 6(f)	N/A <input checked="" type="checkbox"/>	Applicable <input type="checkbox"/>	Approved <input type="checkbox"/>

☒ **Maine Department of Environmental Protection (MDEP) Site Location of Development**

N/A ☒      Applicable ☐      Approved ☐

☒ **Local Zoning, Title 30-A, Section 4325-6.**

Is the project something other than the highway and bridge system, such as a maintenance lot, building/parking facility? Yes ☐ No ☒. If no, the project is exempt.

If yes, continue. Does the town in which the project is located have a comprehensive plan consistent with the Growth Management Program? Yes ☐ No ☐. If no, the project is exempt.

If yes, local zoning ordinances and/or permits are needed.      Approved ☐

☒ **Maine Department of Inland Fisheries and Wildlife (MDIFW) Essential Habitat**

Eagle Nest	N/A <input checked="" type="checkbox"/>	Applicable <input type="checkbox"/>	Approved <input type="checkbox"/>
Piping Plover	N/A <input checked="" type="checkbox"/>	Applicable <input type="checkbox"/>	Approved <input type="checkbox"/>
Roseate Tern	N/A <input checked="" type="checkbox"/>	Applicable <input type="checkbox"/>	Approved <input type="checkbox"/>

☒ **United States Fish and Wildlife Service (USFWS), Migratory Bird Act**

N/A ☒      Applicable ☐

☒ **Maine Department of Conservation/ Public Lands, Submerged Land Lease**

N/A ☒      Applicable ☐

☒ **Land Use Regulation Commission (LURC)**      ☐ Not Applicable

No permit	<input type="checkbox"/>	
Notice	<input type="checkbox"/>	Approved <input type="checkbox"/>
Permit	<input checked="" type="checkbox"/>	Approved <input checked="" type="checkbox"/>

☒ **Maine Department of Environmental Protection (MDEP), Natural Resource Protection Act**

No Jurisdiction	<input checked="" type="checkbox"/>	
Exempt	<input type="checkbox"/>	(Must use erosion and sediment control and not block fish passage.)
PBR	<input type="checkbox"/>	Approved <input type="checkbox"/>
Tier 1	<input type="checkbox"/>	Approved <input type="checkbox"/>
Tier 2	<input type="checkbox"/>	Approved <input type="checkbox"/>
Tier 3	<input type="checkbox"/>	Approved <input type="checkbox"/>

☒ **Army Corps of Engineers (ACOE), Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.**

No permit required	<input type="checkbox"/>	
Category 1-NR	<input checked="" type="checkbox"/>	Approved <input type="checkbox"/>
Category 2	<input type="checkbox"/>	Approved <input type="checkbox"/>
Category 3	<input type="checkbox"/>	Approved <input type="checkbox"/>

☒ **IN-WATER TIMING RESTRICTIONS: 105 Special Provision** ☒      n/a ☐

Dates instream work is allowed: July 15<sup>th</sup> – September 15th

☒ **Special Provision 656, Erosion Control Plan**

\* Boxes marked in red indicate items that are attached and need to be placed in the contract by the Project Manager.